

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
ENTERED

BILL HEARD ENTERPRISES, INC., §
BILL HEARD CHEVROLET, LTD., §
AND LANDMARK CHEVROLET, LTD. §
§
Plaintiffs, §
§
VS. §
§
JOHN WorldPeace §
§
§
§
Defendant. §

JUL 22 2004
Michael N. Milby, Clerk of Court

CIVIL ACTION NO. H-04-2094

ORDER GRANTING PERMANENT INJUNCTION AND FINAL JUDGMENT

On June 29, 2004, this court heard the Application for Permanent Injunctive Relief filed by plaintiffs, Bill Heard Enterprises, Inc., Bill Heard Chevrolet, Ltd., and Landmark Chevrolet, Ltd. (collectively "BHE"). The hearing was consolidated with the trial on the merits. Plaintiffs appeared in person and by and through their attorney of record. Defendant John WorldPeace appeared in person.

Based on the testimony of the witnesses, the evidence, arguments of counsel and of defendant, the pleadings, motions, and submissions, and the applicable law, this court entered oral and written findings of fact and conclusions of law. Judgment is entered as follows:

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BHE is the owner of the United States trademark registration # 930,676, first used in commerce on January 1, 1963, originally registered on March 7, 1972. The mark is in full force and effect.

BHE is the owner of the United States trademark registration # 2,181,805, registered August 18, 1998, and first used in commerce on July 30, 1980. The mark is in full force and effect.

BHE is the owner of the United States trademark registration # 2,533,318, registered on January 29, 2002, and first used in commerce on April 8, 1996. The mark is in full force and effect.

BHE's marks "Bill Heard" and "Landmark" are distinctive and famous marks.

WorldPeace registered and uses the domain names billheardchevrolet.org/.us and landmarkchevrolet.org/.net, which are confusingly similar to BHE's marks.

WorldPeace had and has a bad faith intent to profit from the use of those domain names. WorldPeace has used the domain names containing BHE's marks for a commercial purpose. WorldPeace has attempted to sell the billheardchevrolet.org/.us and landmarkchevrolet.org/.net domain names to BHE for \$50,000 for each of the names, for a total of \$200,000.

WorldPeace has used the websites to disparage BHE in order to gain potential litigants to represent in suing BHE; to pursue litigation previously filed; to obtain leverage to settle suits against BHE; and to coerce BHE into purchasing the domain names.

WorldPeace's use of the domain names is likely to dilute BHE's marks if allowed to continue.

Statutory damages are awarded in the amount of \$25,000 under 15 U.S.C. § 1117(d).

CONCLUSION AND ORDER

This court ORDERS as follows:

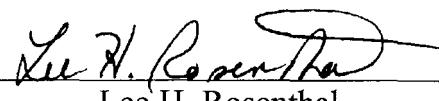
John WorldPeace, his officers, agents, representatives, employees, and all persons in active concert or participation with him who have actual notice of this order by personal service or otherwise, are hereby enjoined: (1) from using the domain names billheardchevrolet.org, billheardchevrolet.us, landmarkchevrolet.org, or landmarkchevrolet.net, or any domain name that is identical to or confusingly similar to any marks owned by the plaintiffs; and (2) from posting, maintaining, operating, or using websites at, under, or using these domain names. John WorldPeace, his officers, agents, representatives, employees, and all persons in active concert or participation with him who have actual notice of this order by personal service or otherwise, must shut down and cease operating the websites under the domain names billheardchevrolet.org, billheardchevrolet.us, landmarkchevrolet.org, or landmarkchevrolet.net, or any domain name that is identical to or confusingly similar to any marks owned by plaintiffs. The domain name registrations for billheardchevrolet.org, billheardchevrolet.us, landmarkchevrolet.org, and landmarkchevrolet.net are cancelled effective on the execution of the bond described

below, and any domain registrar can register the domain names in the name of any plaintiff without further orders of this court.

Nothing in this injunction prevents WorldPeace from posting, maintaining, or using websites that are critical of plaintiffs, as long as such websites are not created or operated under or using domain names, e-mail addresses, or other forms of identification that incorporate plaintiffs' marks or that are confusingly similar to plaintiffs' marks.

This court renders judgment against defendant John WorldPeace and for plaintiffs, Bill Heard Enterprises, Inc., Landmark Chevrolet, Ltd., and Bill Heard Chevrolet, Ltd., and orders that WorldPeace pay plaintiffs the sum of \$25,000, as statutory damages under 15 U.S.C. § 1117(d). Postjudgment interest is awarded at the rate of 2.07 percent (2.07%) per annum from the date of entry of this judgment until paid. This order shall not be effective unless and until Plaintiff executes and files with the clerk a bond, in conformity with the law, in the amount of \$25,000. This is a final judgment.

SIGNED on July 22, 2004, at Houston, Texas.



Lee H. Rosenthal
United States District Judge